



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Phillip G. Cunningham
Mr. Russell J. Gulley
Mr. Ronald K. Stack
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Theodor Barclay, Code Enforcement Supervisor,
Code Enforcement Branch, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department

Mr. David A. Hainley, Planning Administrator,

Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Captain Jim Fitch, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Cunningham, Gulley, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.
- B. Review Day's Agenda.
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

- C. Plans and Information Section Projects Update.
- D. Work Program – Review and Update.
- E. Action Relative to:
 - ◆ Set Public Hearing Date to Consider Special Exception/Conditional Use Ordinance Amendment.
 - ◆ Set Public Hearing Date to Consider Matoaca Village Plan, Ordinances and Initiatives.
- F. Discussion Relative to:
 - ◆ Residential Lot Area Definition.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW DAY'S AGENDA.

Messrs. Hainley and Allen updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session.

C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.

Mr. Haasch updated the Commission as to the status of the draft Ettrick Village Plan.

D. WORK PROGRAM.

There was discussion relative to several items forwarded to the Planning Commission for action by the Board of Supervisors and it was the consensus of the Commission to add items relating to Affordable Housing in the Comprehensive Plan and an Ordinance Amendment relating to Civil Penalties for Zoning Violations to their Work Program.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their August 2003 Work Program, as outlined by Mr. Jacobson.

E. ACTION RELATIVE TO:

- ◆ **SET PUBLIC HEARING DATE TO CONSIDER SPECIAL EXCEPTION/CONDITIONAL USE ORDINANCE AMENDMENT.**

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission set the date of August 19, 2003, for, and requested staff take the necessary steps to advertise, a public hearing to consider an Ordinance Amendment relating to Special Exceptions/Conditional Uses.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

◆ **SET PUBLIC HEARING DATE TO CONSIDER MATOACA VILLAGE PLAN, ORDINANCES AND INITIATIVES.**

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission set the date of September 16, 2003, for, and requested staff take the necessary steps to advertise, a public hearing to consider the Matoaca Village Plan, Ordinances and Initiatives.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

F. DISCUSSION RELATIVE TO:

◆ **RESIDENTIAL LOT AREA DEFINITION.**

Mr. Hainley presented an overview of the proposed Ordinance Amendment relative to Residential Lot Area Definition, staff's recommendation, displayed examples of buildable and/or non-buildable lots impacted by wetlands, floodplains or Resource Protection Areas (RPAs) and answered questions regarding the content of the current language in the proposed Amendment.

Upon conclusion of the discussion, the Commission requested staff provide follow up information relative to elements of the Amendment and schedule the topic for discussion at the August 19, 2003, Planning Commission Work Session,.

The Commission recessed at approximately 2:20 p. m., agreeing to reconvene at 3:00 p.m. in the Public Meeting Room for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Jacobson stated that the first order of business would be consideration of the June 17, 2003, Planning Commission minutes and the June 19, 2003, Planning Commission Special Work Session minutes.

◆ **JUNE 17, 2003 PLANNING COMMISSION MINUTES AND JUNE 19, 2003 PLANNING COMMISSION SPECIAL WORK SESSION MINUTES.**

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission resolved to approve the June 17, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission resolved to approve the June 19, 2003, Planning Commission Special Work Session minutes, with the following correction:

Page 3, paragraph 1:

"Mr. Handley presented an overview of new information on population and housing projects for the twenty-five (25) sub-geographic areas of the County for 2010, as well as data on current housing trends and recently released data from the ~~200~~**2000** census."

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

03TS0199: In Clover Hill Magisterial District, **WATERMILL PROPERTIES** requested Planning Commission approval of the tentative subdivision plat to allow the required recreational area to lie outside the limits of the subdivision. This development is commonly known as **WATERMILL - PHASE IV**. This request lies in a Residential (R-9) District on part of a 14.59 acre parcel that will front on the south line of the Watermill Parkway currently under construction. Tax ID 720-689-Part of 8433 (Sheet 9).

Mr. Shawn Smith; the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission resolved that approval for of the tentative subdivision plat to allow the required recreational area to lie outside the limits of the subdivision for Case 03TS0199, Watermill Properties (Watermill – Phase IV), shall be and it thereby was granted, subject to the following conditions and review notes:

CONDITIONS

1. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable

correspondence from the U.S. Army Corps of Engineers in order that it may be determined that all wetlands permits have been received. A qualified wetlands expert can document his professional opinion that this project falls within the non-notification provisions of the Corps of Engineers Nationwide Permit. (EE)

2. Any timbering which is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion and sediment control plan narrative and will not commence until the issuance of a Land Disturbance Permit for the subdivision construction and the proper installation of erosion control measures. (EE)
3. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
4. Roof gutters and downspouts shall be installed on the dwellings. All roof drainage leaders will be tied directly into on-site storm sewers or other stable conveyance systems deemed appropriate by the Environmental Engineering Department. (EE)
5. Unless otherwise directed by Environmental Engineering Department, grading on individual lots will be provided so that each property will have a surface drainage configuration functioning independently from its adjacent properties. (EE)
6. The subdivider shall post signs demarking the limits of the RPA and RCMnRPA area so builders and homeowners can be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Department of Environmental Engineering. (EE)
7. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
8. The area of impervious surface shall be established through a planimeter technology to include the construction of Tomahawk Point Drive through the full extent of the right of way within the project limits. (EE)
9. Special Upper Swift Creek Watershed end treatment as directed by the Environmental Engineering Department will be placed in the vicinity of the terminus of manmade storm drainage outfalls. (EE)
10. The storm drainage design for Tomahawk Point Court and as much of the dwelling unit areas as is practicable shall stipulate an outfall location such that the existing mill race can be utilized as end of pipe treatment. (EE)
11. Language shall be incorporated into the homeowners' association covenants advising homeowners with an RPA on or adjacent to their property stating that RPAs are to remain in their naturally vegetated state and that the County's Chesapeake Bay Preservation Ordinance

requirements relating to RPAs reads as follows: "A vegetated conservation area that retards runoff, prevents erosion, and filters non-point source pollution from runoff shall be retained if present and shall be established where it does not exist." Section 19-232 of Chesterfield County Code states, "If a homeowner wishes to modify the RPA, a plan must be submitted to the Environmental Engineering Department for their approval prior to the commencement of any land clearing activity." (EE)

12. Prior to recordation, a copy of the covenants and articles of incorporation of the homeowners' association shall be provided to the Environmental Engineering Department for approval. In addition to language pertaining to the RPA, the Environmental Engineering Department will determine whether the subdivision has been provided with the information to develop and implement a fertilization/lawn care program to minimize phosphorous runoff from Watermill Phase IV. The requirements of the program shall become a part of the covenants for the project affecting all properties within the development. (EE)
13. Watermill Parkway and Woolridge Road, from Old Hundred Road to Genito Road, as shown on the approved construction plans prepared by Timmons with the latest revision dated July 16, 2002, shall be completed and ready for acceptance into the state system prior to release of the land disturbance permit for this development. (EE, P, T, VDOT)
14. Left and right turn lanes shall be constructed on Watermill Parkway in conjunction with construction of Tomahawk Point Drive. (T)
15. Existing ingress and egress easements for the Chesterfield County pump station facilities shall be shown on the construction plans with a narrative detailing the proposed method of maintaining access to County facilities shown on the tentative plan. (T, U)

REVIEW NOTES

- A. Final landscape plans for the unit landscaping must be approved prior to building permit plan approval. Installation must be completed prior to issuance of the Certificate of Occupancy for the unit. (P)
- B. A thirty-five (35) foot buffer shall be adjacent to Watermill Parkway and shall comply with Section 17-70 of the Subdivision Ordinance. (P)
- C. The homeowner's association documents shall be modified to include the open space within this development. The ownership and maintenance responsibilities of the open space shall be shown on the final checks and record plats. (P)
- D. Street trees shall be included in the landscaping plans and at a minimum shall comply with Section 19-518(h). (P)
- E. The use of the public water and wastewater systems is required by Ordinance. (U)
- F. It will be the responsibility of the subdivider to make certain that all proposed sections within

the development complies with the Chesterfield County Fire Department's required fire flow of 1,000 gallons per minute at 20 per square inch residual. (U, F)

- G. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the County, which ultimately benefits the department's customers as users of the public water/sewer systems. (U)
- H. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the subdivider. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- I. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design per 24 VAC 30-90-150 of the 1996 Subdivision Street Requirements (SSR). (VDOT)
- J. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT's approval of said plan must be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- K. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- L. The construction of all roadways which are not defined as arterials or collectors in Chesterfield County's Thoroughfare Plan requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
 - 1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 - 2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing, or,
 - 3. The applicant may request that VDOT accept bonding for a period longer than the standard one (1) year performance bond in lieu of either (1) or (2) above. (VDOT)

- M. A forty-five (45) foot edge of pavement radius turnaround is required at the cul de sac on Tomahawk Point Court per 24 VAC 30-90-240 of the 1996 SSR. A minimum fifty-four (54) foot right of way radius is required to accommodate the enlarged turnaround at this location. (VDOT)

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

03PW0339: In Dale Magisterial District, **DOUGLAS R. SOWERS** requested Planning Commission approval of a development standards waiver to Section 19-635(f)(5) requiring signs within a right of way to be located within a median strip. This development is commonly known as **QUALLA FARMS - SECTION 5**. This request lies in a Residential (R-12) District within the right of way at the southeast quadrant of Qualla Road and Stockport Drive. (Sheet 16).

Mr. Gary Lee **Scotto**, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission found Case 03PW0339 substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-635(f)(5) of the Zoning Ordinance requiring signs within a right of way to be located within a median strip, for Case 03PW0339, Douglas R. Sowers (Qualla Farms – Section F), subject to the following note:

NOTE:

The applicant is also required to complete appropriate licensing procedures with The Virginia Department of Transportation and the Chesterfield County Right of Way Department.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

03PR0299: In Clover Hill Magisterial District, **THE REBKEE COMPANY AND BB&T** requested Planning Commission approval of a site plan as a requirement of pending Zoning Case 03SN0243. This project is commonly known as **CVS PHARMACY STORE NO. 12**. This request lies in a Light Industrial (I-1) District on part of a four (4) acre parcel fronting approximately 500 feet on the north line of U. S. Route 360 and approximately 200 feet west of Harbour View Court. Tax ID 727-673-Part of 4313 (Sheet 15).

Mr. Curt Cooper, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Gulley, Mr. Cooper stated the condition and review notes had been reviewed/discussed with staff; he was comfortable that issues relative to the last few aesthetic elements of the building could be resolved; and the developer, who had worked previously with staff to resolve such issues on other similar CVS buildings, was comfortable the remaining issues could be resolved with staff as well.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission resolved that approval a site plan as required by zoning case 03SN0243, for Case 03PR0299 shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Prior to final administrative site plan approval the following site plan review comments shall be satisfactorily addressed. (P)

REVIEW COMMENTS:

1. Add the following notes to the plans:

"The developer shall be responsible for any damage to the existing signal during site construction."

"Contractor must coordinate with the Virginia Department of Transportation for the relocation of the existing Virginia Department of Transportation underground electric line." (VDOT)
2. Documentation must be provided with respect to the existing access and access easement to Hull Street Road west of Harbour View Court. This documentation must indicate that all parties having rights to this access and easement are in agreement with its closure in conjunction with this project. (T)
3. Submit a meter sizing form for the irrigation meter. (U)
4. Submit an engineer's checklist. (U)
5. Show a materials list on the plans. (U)
6. The owner must enter into a County contract prior to the start of construction. Provide a copy of the "accepted" bid proposal between the developer and the contractor so we may prepare the County contract. The bid proposal must be based on the approved site plan. All work must be performed by an acceptable utilities contractor. If the site plan is revised after the utility contract is prepared, a revised bid proposal may be necessary to accurately reflect the latest approved site plan, and a new contract preparation may be necessary. (U)
7. After complete site plan approval, submit three (3) sets of plans directly to the utility department for our use. (U)
8. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of one (1) acre or more), ground water and air quality." Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by the Engineering Department prior to issuance of the land disturbance permit. (EE)

9. Calculations using VDOT standard calculation sheets must be submitted to support the design of drop inlets. (EE)
10. Revise the Manning's roughness coefficient used in the proposed open channel downstream of structure 3-4 to more accurately reflect rip rap ($n=0.045$). Provide the revised open channel calculations. (EE)
11. Show the inlet protection symbol over the drop inlets on the erosion control plan sheets. (EE)
12. Provide culvert inlet protection for structures 5 and 6 along Hull Street Road. (EE)
13. The detail shown for curb inlet protection must be the one shown on plate 3.07-8 of standard and specification # 3.07. Remove all other inlet protection details. (EE)
14. A note must be added to the erosion control narrative/sequence of construction stating that the certified responsible land disturber must attend the pre-construction meeting. (EE)
15. In the detail for the sediment trap on sheet C13 revise the length of the outlet to 18 feet. (EE)
16. The data map submitted must outline all proposed impervious areas that were utilized in determining compliance with the Chesapeake Bay Preservation Ordinance. Clarify if the 1.7 acres of new impervious area specified includes the required improvements along Hull Street Road that would also need to be included as new impervious area. (EE)
17. Construction of this project is within the Swift Creek Reservoir watershed management area that requires payment of pro-rata share for development improvements based on the impervious area of the site plan. The current computation and the amount are as follows:

Swift Creek Reservoir pro rata

"a" impervious area	= 1.7 acres
enr cost index	= \$6222.00 april 2001
enr cost index	= \$6693.94 june 2, 2003

$\$5010.00 ("a")(\text{enr current})/\$6222.00 = \$9,163.02$

Remittance of this amount must be made with the land disturbance permit application and within 60 days from the date of this letter in order to avoid recalculation of this amount to reflect current construction cost trends. Note that this amount may change depending on the accuracy of the CBPA data map per the above comment. (EE)

18. Permission must be obtained from the adjacent property owner(s) allowing for grading on the property as proposed prior to issuance of a land disturbance permit. (EE)

19. All offsite drainage easements must be recorded prior to issuance of a land disturbance permit for this project. (EE)
20. Prior to issuance of a land disturbance permit, a diskette/cd, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour in the Environmental Engineering. The diskette/cd must contain the following, each in a separate layer:

Final grading contour lines (5' intervals);
Proposed building footprint;
All impervious area (parking lots, driveways, roads, etc); and

The storm sewer system.

A "layer report" printed from Autocad must be submitted with the diskette/cd. Both the diskette/cd and the report must be labeled with the site plan name, site plan number, and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)
21. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - a. Substantial or full site plan approval
 - b. A VDOT land use permit
 - c. A letter must be received from a qualified wetlands expert stating:
 1. There are no wetlands impacted on this project,
 2. The wetlands impacted are less than 0.1 acres and corps of engineers notification is not required, or
 3. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted)
 4. Payment of the upper swift creek pro rata fee
22. More than one direction of traverse is shown. Please revise the survey to show only one path of traverse. (EE)
23. Coordinate points based on the Virginia State Plane Coordinate system, South Zone, North American Datum 1983 are not present. Two (2) points must be shown on the parcel boundary. (EE)
24. Label the Hull Street Road setback as "50' setback and tree save area. Landscape "C" required." (P)
25. Parcel or lot lines within a project do not require setbacks or landscaping. The only required landscaping for this site plan is the Hull Street Road setback planting, plantings between the bank to the East and this site and the interior parking lot plantings. We do not require internal setback plantings, however we encourage them. To this end, any plantings that are not meeting a County requirement do not need to meet minimum County size requirements. (P)
26. The main irrigation line and the lateral irrigation line shown along the Hull Street Road property line cannot be installed as shown. Severe damage will occur to the root systems of the existing mature

- trees. Suggest routing the lines well out of the drip lines of these trees and running laterals into those areas to irrigate grassed areas. (P)
27. Provide a note at the detail for the freestanding lights that limits pole height to 20'. (P)
 28. Provide a detail sheet for the building mounted lights showing full external shielding on all three sides of the fixtures. (P)
 29. Provide the following notes:
 - "All external utility connections to be painted to match/blend in with building."
 - "All signage shown is for illustrative purposes only. Sign approval requires a separate permit, obtained through the building inspections office." (P)
 30. Indicate where the mechanical equipment is located. If it is on the roof, show a dashed line indicating its location and showing that it is fully screened. (P)
 31. Stipulate on the elevation drawing that the roof will be standing seam metal. (P)
 32. Stipulate on the elevations drawing that the brick and mortar will match that of the existing buildings. (P)
 33. Stipulate on the elevation drawing that EIFS material will match that of existing buildings. (P)
 34. The allocation of brick and EIFS on this building must be adjusted so that the appearance is more consistent with the adjacent buildings. (P)
 35. The large expanses of brick must be broken up by a method that reads strongly. Slight variations in surface depth do not typically read well when viewed from the road. (P)
 36. The adjacent buildings and shopping center use columns or elaborate brick piers. One of these methods or a combination of the two (2) must be used on this building. (P)
 37. Using the Zoning Ordinance calculation for building mounted signage, 155 square feet of building mounted signage is allowed for this building. This total may be used on any of the facades of the building. The signage currently shown on the building is in excess of allowable sign area. This comment is for informational purposes only and is subject to change due to building modifications or site changes. (P)
 38. Preceding comments relating to architecture notwithstanding, the overall image of the adjacent structures is very strong. This building has a very weak styling. This will need to be satisfactorily corrected prior to release of a building permit. (P)

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

03PR0324: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY GENERAL SERVICES** requested

the Planning Commission to allow an alternate design of the crossover on Courthouse Road, as allowed by Condition 5 of Case 02SN0231. This project is commonly known as **COURTHOUSE ROAD FIRE STATION #20**. This request lies in an Agricultural (A) District on two (2) parcels totaling 10.44 acres fronting approximately 500 feet on the east line of Courthouse Road, lying approximately 470 feet north of Smoketree Drive. Tax IDs 745-701-1188 and 745-702-5612 (Sheet 6).

Mr. Dave Warriner, the applicant's representative, accepted staff's recommendation.

In response to questions from Mr. Gulley, Mr. Warriner stated the crossover had been moved forty (40) feet south of where the flagging was shown on the proposed plan and was now proposed to preclude light intrusion from vehicles into a dwelling across from the fire station. He stated this location preserved one (1) existing tree in the median, eliminated the need to relocate an existing power pole and would not be detrimental from the standpoint of site distance or separation. He further noted, at the request of the Virginia Department of Transportation (VDOT), the traffic signals were relocated to align with the crossover.

Mr. Allen read aloud a new condition addressing Mr. Gulley's concerns relative to landscaping, which Mr. Warriner stated was acceptable.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission resolved that approval of an alternate design of the crossover on Courthouse Road as allowed by Condition 5 of Case 02SN0231, for Case 03PR0324, Chesterfield County General Services (Courthouse Road Fire Station #20), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The crossover on Courthouse Road shall be designed and constructed in accordance with Site Plan 03PR0324, prepared by Austin Brockenbrough, dated April 23, 2003. (T)
2. Landscaping shall be installed within the medians on each side of the Courthouse Road crossover in amounts similar to the landscape plan submitted by Austin Brockenbrough with revision date 6/13/03. The installation of all landscaping within the right of way shall be coordinated with the Virginia Department of Transportation, and shall comply with VDOT sight distance requirements and/or recommendations for sight distance needs for emergency vehicles. Landscaping within the median of Courthouse Road shall be limited to drought tolerant evergreen shrubs and/or groundcover that will not exceed a mature height of two (2) feet. Any existing trees within required sight distance areas shall be relocated or replaced to positions that will not interfere with views of required sight distance areas. (P)

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

D. FIELD TRIP AND DINNER.

◆ FIELD TRIP SITE SELECTION:

The Commission agreed to forego their Field Trip to visit requests sites.

◆ **DINNER LOCATION:**

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Red Lobster Seafood Restaurant on Hull Street Road.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

At approximately 3:18 p. m., the Commission adjourned the Afternoon Session, agreeing to meet at 5:00 p. m. to depart the Chesterfield County Administration Building for dinner.

Mr. Litton joined the Commission during dinner.

During dinner, there was no discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Jacobson resented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated the August 19, 2003, agenda was comprised of fourteen (14) cases and the September 16, 2003, agenda had a total of fifteen (15) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

03SN0288: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to October 21, 2003, of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-25) to Community Business (C-3) with Conditional Use to allow multi-family residential use and Conditional Use

Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and for residential use of 2.0 units per acre or less. This request lies on 117.8 acres fronting in two (2) places for approximately 1,850 feet on the south line of Old Hundred Road, approximately 750 feet east of Otterdale Road and in two (2) places for approximately 725 feet on the east line of Otterdale Road, approximately 1,200 feet south of Old Hundred Road. Tax IDs 716-696-9418 and 9559; 717-695-0722; 717-696-1097; and 718-696-7128 (Sheet 9).

Ms. Penny Koch, the applicant's representative, requested deferral to the October 21, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 03SN0288 to the October 21, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0295: In Midlothian Magisterial District, **OMNIPOINT/T-MOBILE** requested deferral to October 21, 2003, of consideration for Conditional Use Planned Development and amendment of zoning district map to permit a communications tower in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for low density residential use. This request lies on 0.1 acre fronting approximately 20 feet on the east line of West Huguenot Road, approximately 250 feet north of Scherer Drive. Tax ID 757-722-Part of 1650 (Sheet 3).

Ms. Ambre Blatter, the applicant's representative, requested deferral to the October 21, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to defer Case 03SN0295 to the October 21, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

03SN0281: In Matoaca Magisterial District, **DANIEL T. SCHMITT** requested Conditional Use and amendment of zoning district map to permit a model home in a Residential (R-9) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed uses. This request lies on 7.1 acres fronting approximately 850 feet on the west line of Charter Colony Parkway, approximately 4,500 feet south of North Woolridge Road.

Tax ID 724-699-Part of 2736 (Sheet 5).

Mr. George Moore, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0281, subject to the following conditions:

CONDITIONS

1. A temporary model home shall be permitted in a modular unit provided such unit shall be utilized for a maximum of 120 days from the date of approval of this request. At the end of the 120 days, the temporary sales trailer shall be removed and the temporary model home may be located within facilities housing recreational uses on the Property. (P)
2. The model home shall only be used to market the development (Charter Colony) in which it is located and shall not be used for the sale of lots or houses outside of the development (Charter Colony) in which it is located. (P)
3. The model home shall not be the primary real estate office for the company marketing the development. (P)
4. The model home shall be incidental to construction activity taking place within the development (Charter Colony). (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0294: In Bermuda Magisterial District, **AFFORDABLE RESIDENCES CHFD II** requested rezoning and amendment of zoning district map from Multi-family Residential (R-MF) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 0.9 acre lying approximately 600 feet off the west line of Jefferson Davis Highway at Bensley Commons Boulevard. Tax ID 789-678-Part of 8292 (Sheet 18).

Mr. Robert Newman, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0294.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0297: In Bermuda Magisterial District, **ANDREW M. CONDLIN, ESQUIRE ON BEHALF OF VIRGINIA S. ODUM, AS OWNER AND MRB MANAGEMENT GROUP, INC., AS TENANT**, requested rezoning and amendment of zoning district map from Community Business (C-3) and Residential (R-7) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 9.2 acres lying approximately 260 feet off the west line of Jefferson Davis Highway, measured from a point approximately 80 feet north of Rio Vista Street. Tax ID 796-661-3916 (Sheet 26).

Mr. Andrew Condlin, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0297 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The following uses shall not be permitted:
 - (a) those uses permitted in the I-1 District that are not otherwise permitted in the C-5 District;
 - (b) commercial automobile parking;
 - (c) mass transportation;
 - (d) drive-in theaters;
 - (e) truck terminals;
 - (f) travel trailer parks;
 - (g) auction sales or salvage barns;
 - (h) communication towers;
 - (i) manufactured home, modular home and travel trailer sales, service, repair and rental;
 - (j) material reclamation receiving centers;
 - (k) tractor trailer service stations;
 - (l) building materials sales yards, not including concrete mixing;
 - (m) contractor's shops and storage yards;
 - (n) display sheds, garages, carports and house sales, including "shell" houses sales;
 - (o) freight forwarding, packing and crating services;
 - (p) motor vehicle storage/towing lots;
 - (q) public garages; and
 - (r) utility trailer and truck rental. (P)
2. Within ninety (90) days after approval of this rezoning, the parking areas and driveways, if not otherwise paved, shall be resurfaced with a minimum of six (6) inches of No. 21 or No. 21A stone. (P)

(Note: The property may be accessed across that parcel having a Tax Identification Number 796-608-8797 and/or across those parcels having Tax Identification Numbers 796-660-4549 and 796-660-6637.)

3. In the event the Property is redeveloped for any use other than a golf driving range, miniature golf, and related accessory uses, the Property shall be brought into compliance with the current zoning regulations. (P)
4. The public water system shall be used. (U)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

03SN0242: In Clover Hill Magisterial District, **GENUINE AUTO PARTS** requested amendment to Conditional Use Planned Development (Case 98SN0176) and amendment of zoning district map relative to uses in a Light Industrial (I-1) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 1.0 acre fronting approximately 150 feet on the north line of Hull Street Road, approximately 1,000 feet east of Route 288. Tax ID 736-680-Part of 4744 (Sheet 16).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed uses did not comply with the Powhite/Route 288 Development Area Land Use and Transportation Plan; the proposed uses were not in conformance with the conditions of zoning approval relative to the location and land area of commercial development along the Hull Street Road frontage of the overall site; and approval of the request could set a precedent for additional commercial development along this portion of the Hull Street Road Corridor.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation, noting this request had been negotiated with the community who agreed there was a demand and need for the use in the area; the conditions were designed to negate any negative impact the use may have on the community; the applicant felt the proposed building design was not only compatible with existing area development but also set a higher development standard that would enhance the area; and although approval of this request would diminish the amount of available industrial land fronting Route 360, it would not detrimentally impact the overall industrial land inventory that could be developed in the area.

Mr. Gecker opened the discussion for public comment.

Mr. John Hughes, representing the Brandermill Community Association, voiced support for, and asked the Commission to recommend approval of, the request to allow the opportunity for more flexible development in the area in the future.

In response to a question from Mr. Stack, Mr. Cogbill indicated the proposal was viewed as a new market area and he did not believe other similar area uses would be negatively impacted.

Mr. Gulley stated, in view of how the area had developed, he felt this proposal was a common sense approach to commercial development further along Route 360 and that although approval of this request would reduce the inventory of available industrial land fronting Route 360, industrial zonings on other property in the area, if approved, would increase the industrial inventory by a greater amount. He stated he neither believed the proposed use was a major deviation from the original zoning nor would it detrimentally impact the community.

Mr. Stack stated he supported approval of the request but was concerned about the late submittal of the amended proffered conditions and cautioned that he was uncomfortable approving requests when amended information was submitted at the last minute.

Mr. Gecker stated he would not support approval of the request, expressing concern about the late submittal of the amended proffered conditions. He stated he felt it would be a mistake to recommend approval of a request to continue commercial development in area designated for industrial use without having sufficient time to review the additional information. He stated he felt deferral of the request would be more appropriate.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0242 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner and Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of part of the Property known as Chesterfield County Tax Identification Number 736-680-4744 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for proffer amendment is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

The application contains one exhibit described as follows:

Exhibit 1 – Plan titled "Plat Showing 1.02 Acres Located in the Clover Hill District of Chesterfield, Virginia, Prepared for the Purpose of Rezoning," prepared by E. D. Lewis & Associates, P.C. and dated January 29, 2003.

1. In addition to the uses permitted in Proffered Condition 14 of Case 98SN0176, C-2 uses (permitted by-right and with restrictions) shall be permitted on the 1.02 acre portion of Tract II-B shown on Exhibit 1. (P)
2. Any lighting fixture shall not exceed a height of twenty-five (25) feet. (P)
3. Screening walls for the solid waste storage areas and any ground mounted mechanical equipment shall be built of the same materials as the building. Access doors or fences to these areas shall be compatible in color to the building walls, as determined at the time of site plan review. (P)
4. No color used in the sign shall be used as decorative banding around the building. No neon banding shall be allowed around the building. This proffer shall not apply to actual sign areas (as permitted by the Chesterfield County Zoning Ordinance). (P)

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

NAY: Mr. Gecker.

03SN0283: In Bermuda Magisterial District, **TOKEN TOWER, L.L.C.** requested amendment to Conditional Use Planned Development (Case 02SN0166) and amendment of zoning district map to permit a communications tower with height exceptions in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 12.5 acres lying off the eastern terminus of Station Road. Tax ID 792-685-5662 (Sheet 12).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposal failed to conform to the Jefferson Davis Corridor Plan, the Public Facilities Plan and the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations. She added the area Plan also provided that revitalization of the Corridor was an important key to its livability and vitality; that a key to implement this revitalization was enhancement of the Corridor and protection of the "Gateway" which conveyed first impressions to visitors from Chippenham Parkway and I-95; and the construction of an additional tower on the request property would have a negative visual impact on the Corridor and the "Gateway."

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation, pointing out various types of development and several other existing towers in the area. He submitted photos of various views of the proposed tower site as seen from Interstate 95, I-895, southbound Route 1 at the Chippenham Interchange and other locations as well as two (2) letters of support, one (1) from the Jefferson Davis Association and one (1) from the Falling Creek Ironworks Foundation. He stated the proposed request was consistent with the area Plan and would not have a negative impact on the Corridor, the "Gateway" or area residential/business development.

Mr. Gecker opened the discussion for public comment.

Mr. Larry Klebert, representing the Bensley Civic Association, and Mr. Mark Davis, representing the Jefferson Davis Association, voiced support for the proposal, noting the proposed use was the most desirable use for the property and would not have a negative impact on either area traffic or development in the area.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Cunningham stated he felt approval of the request was appropriate in that the use was compatible with other existing tower uses in the area and was supported by the community.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0283 and acceptance of the following proffered condition:

PROFFERED CONDITION

The property owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 792-685-5662 (the "Property") under consideration will be developed according to the following conditions if, and only if, the request for CUPD with height exceptions is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and

void and have no further force or effect.

With approval of this CUPD, one additional tower may be constructed on the Property, which tower shall not exceed a height of five hundred and forty (540) feet above ground level.

(Staff Note: This condition is in addition to conditions of zoning approval for Case 02SN0166.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0285: In Clover Hill Magisterial District, **BANNER CHRISTIAN SCHOOL** requested Conditional Use and amendment of zoning district map to permit a private school in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.3 acres and is known as 1501 South Providence Road. Tax ID 755-698-4828 (Sheets 7 and 11).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting that, although the proposed private school would have no greater land use impact upon existing and anticipated area residential development than the permitted church or public school uses, the application failed to address the impacts on transportation facilities. She stated specifically, the applicant had neither provided improvements for a left turn lane along Providence Road, warranted with the enrollment of more than sixty-two (62) students, nor had he limited enrollment to sixty-two (62) students.

Mr. Tom Burkett, the applicant's representative, did not accept staff's recommendation, noting the applicant was actively seeking another site for the permanent location of the school and only intended to use the requested site for approximately two (2) years, thereby negating the need for any permanent road improvements.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley presented a brief history relative to Bethany Place Baptist Church, noting he felt approval of the request was appropriate since the church was assisting the school by allowing only the temporary use of their site until such time as the school could relocate to a permanent site of their own.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0285 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The operation of the private school shall be in conjunction with a church use only. (P)
2. This Conditional Use shall be granted for a period not to exceed two (2) years from the date of the approval. (P)
3. There shall be no construction of new buildings nor additions or exterior alterations to the existing buildings to accommodate this use except those required by the Virginia Uniform

Statewide Building Code (VAUSBC). (P)

4. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north, south and east. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(2) of the Zoning Ordinance.
 - b. If active play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties to the north, south and east, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
 - c. Any new playground areas (swings, jungle gyms or similar such facilities) shall be setback a minimum of forty (40) feet from all property lines. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Stack, seconded by Mr. Cunningham, that the meeting adjourned at approximately 8:02 p. m. to August 19, 2003, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Chairman/Date

Secretary/Date